

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

ITOH

Serial No. 10/686,630

Filed: October 17, 2003

For: TEST TUBE TYPE DISCRIMINATION APPARATUS

Conf. No. 8905

Atty. Ref.: 160-393 (AMK)

TC/A.U.: 2624

Examiner: D. Rosario

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May 5, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMENTS ON EXAMINER'S STATEMENT  
OF REASONS FOR ALLOWANCE**

With respect to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance dated February 9, 2009, Applicant respectfully disagrees with the Examiner to any extent that such statement characterizes the invention in a manner at variance with the actual wording of the claims. Additionally, Applicant does not concede the Examiner's characterization of the Chan, Schwartz and Hooker references.

As set forth in the Notice of Allowance, these comments are being filed along with the payment of the Issue Fee.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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